

# SENATE JOURNAL OF THE IDAHO LEGISLATURE

FIRST REGULAR SESSION  
FIFTY-EIGHTH LEGISLATURE

THIRTY-FIRST LEGISLATIVE DAY  
WEDNESDAY, FEBRUARY 9, 2005

Senate Chamber

President Risch called the Senate to order at 11:15 a.m.

Roll call showed all members present except Senators Cameron and Malepeai, absent and formally excused by the Chair; and Senators Brandt and Noble, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Sarah Fuger, Page.

The Senate advanced to the Third Order of Business.

## Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 8, 2005, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

## Reports of Standing Committees

Senator Brandt was recorded present at this order of business.

February 9, 2005

The JUDICIARY AND RULES Committee reports that **S 1098**, **S 1099**, **S 1100**, **S 1101**, and **SCR 106** have been correctly printed.

DARRINGTON, Chairman

**S 1098** and **S 1099** were referred to the Resources and Environment Committee.

**S 1100** and **S 1101** were referred to the Judiciary and Rules Committee.

**SCR 106** was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 8, 2005

The JUDICIARY AND RULES Committee reports that Enrolled **S 1026** and **S 1029** were delivered to the Office of the Governor at 1:40 p.m., February 8, 2005.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

February 8, 2005

The TRANSPORTATION Committee reports out **S 1057** and **S 1059** with the recommendation that they do pass.

BRANDT, Chairman

**S 1057** and **S 1059** were filed for second reading.

February 9, 2005

The LOCAL GOVERNMENT AND TAXATION Committee reports out **H 10**, **H 14**, and **H 25** with the recommendation that they do pass.

BUNDERSON, Chairman

**H 10**, **H 14**, and **H 25** were filed for second reading.

February 8, 2005

The TRANSPORTATION Committee reports it has had under consideration the Gubernatorial appointments listed below and the Committee recommends that said appointments be confirmed by the Senate:

Neil J. Miller to the Idaho Transportation Board, term to expire January 31, 2011;

Roger Lee Sorensen to the Aeronautics Advisory Board, term to expire January 31, 2010;

Ralph E. Stout to the Aeronautics Advisory Board, term to expire January 31, 2009.

BRANDT, Chairman

The Gubernatorial appointments were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 9, 2005

The STATE AFFAIRS Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

Tom Katsilometes as State Athletic Commissioner, term to expire January 7, 2009.

BURTENSHAW, Chairman

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

**Messages from the Governor**

Senator Noble was recorded present at this order of business.

February 8, 2005

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Andrea Wassner of Boise, Idaho, was appointed as a member of the Idaho Commission on Human Rights to serve a term commencing February 1, 2005, and expiring July 1, 2006.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,  
/s/ Dirk Kempthorne  
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the State Affairs Committee.

The Senate advanced to the Ninth Order of Business.

**Messages from the House**

February 8, 2005

Mr. President:

I transmit herewith Enrolled **HCR 3** and **HCR 4** for the signature of the President.

JUKER, Chief Clerk

The President signed Enrolled **HCR 3** and **HCR 4** and ordered them returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

**Introduction, First Reading and Reference of Bills,  
House Petitions, Resolutions, and Memorials****S 1102  
BY TRANSPORTATION COMMITTEE  
AN ACT**

RELATING TO PEDESTRIANS AND BICYCLES; AMENDING SECTION 49-715, IDAHO CODE, TO PROVIDE THAT A PERSON OPERATING A VEHICLE BY HUMAN POWER UPON AND ALONG A SIDEWALK, OR ACROSS A HIGHWAY UPON AND ALONG A CROSSWALK, SHALL HAVE ALL THE RIGHTS AND DUTIES APPLICABLE TO A PEDESTRIAN UNDER THE SAME CIRCUMSTANCES.

**S 1103  
BY STATE AFFAIRS COMMITTEE  
AN ACT**

RELATING TO THE IDAHO LAW ENFORCEMENT, FIREFIGHTING AND EMERGENCY MEDICAL TECHNICIAN MEDAL OF HONOR; AMENDING THE HEADING FOR CHAPTER 88, TITLE 67, IDAHO CODE, TO PROVIDE THE IDAHO LAW ENFORCEMENT, FIREFIGHTING AND EMERGENCY MEDICAL TECHNICIAN MEDAL OF HONOR; AMENDING SECTION 67-8801, IDAHO CODE, TO PROVIDE FOR ESTABLISHMENT OF THE IDAHO LAW ENFORCEMENT, FIREFIGHTING AND EMERGENCY MEDICAL TECHNICIAN MEDAL OF HONOR; AMENDING SECTION 67-8802, IDAHO CODE, TO PROVIDE FOR THE IDAHO LAW ENFORCEMENT, FIREFIGHTING AND EMERGENCY MEDICAL TECHNICIAN MEDAL OF HONOR COMMISSION CREATION AND TO PROVIDE MEMBERSHIP OF THE EMS BUREAU OF THE DEPARTMENT OF HEALTH AND WELFARE ON THE COMMISSION; AMENDING SECTION 67-8803, IDAHO CODE, TO PROVIDE FOR THE AWARDING OF THE IDAHO LAW ENFORCEMENT, FIREFIGHTING AND EMERGENCY MEDICAL TECHNICIAN MEDAL OF HONOR; AMENDING SECTION 67-8804, IDAHO CODE, TO PROVIDE FOR A POSTHUMOUS AWARD OF THE IDAHO LAW ENFORCEMENT, FIREFIGHTING AND EMERGENCY MEDICAL TECHNICIAN MEDAL OF HONOR; AND AMENDING SECTION 67-8805, IDAHO CODE, TO PROVIDE FOR THE DESIGN AND COST OF THE IDAHO LAW ENFORCEMENT, FIREFIGHTING AND EMERGENCY MEDICAL TECHNICIAN MEDAL OF HONOR.

**S 1102** and **S 1103** were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Twelfth Order of Business.

**Second Reading of Bills**

**S 1064** and **S 1067**, by Judiciary and Rules Committee, were read the second time at length and filed for third reading.

**S 1078** and **S 1090**, by Health and Welfare Committee, were read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

**Third Reading of Bills**

On request by Senator Stegner, granted by unanimous consent, **S 1030**, having been held, retained its place on the Third Reading Calendar.

**H 2**, having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Coiner arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Marley, McGee, McKenzie, Noble, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Cameron, Malepeai. Total - 2.

Total - 35.

Whereupon the President declared **H 2** passed, title was approved, and the bill ordered returned to the House.

The President called President Pro Tempore Geddes to the Chair.

**S 1038** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Jorgenson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Marley, McGee, McKenzie, Noble, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Cameron, Malepeai. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared **S 1038** passed, title was approved, and the bill ordered transmitted to the House.

**S 1054** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Darrington arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Marley, McGee, McKenzie, Noble, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Cameron, Malepeai. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared **S 1054** passed, title was approved, and the bill ordered transmitted to the House.

**S 1055** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Kelly arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Marley, McGee, McKenzie, Noble, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Cameron, Malepeai. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared **S 1055** passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

#### Miscellaneous Business

On motion by Senator Davis, seconded by Senator Burkett, by voice vote the Senate adjourned at 12:10 p.m. until the hour of 11:15 a.m., Thursday, February 10, 2005.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary